

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOMBARDIER INC.,

Plaintiff,

v.

MITSUBISHI AIRCRAFT
CORPORATION, MITSUBISHI
AIRCRAFT CORPORATION AMERICA
INC., et al.,

Defendants.

2:18-cv-1543 JLR

DECLARATION OF MARIA REGINA
PIACESI IN SUPPORT OF OPPOSITION
TO PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION

FILED UNDER SEAL

I, MARIA REGINA PIACESI, declare as follows:

1. I am a Performance Engineer and Compliance Expert, Aircraft Performance on the Aircraft Performance Team for Defendant Mitsubishi Aircraft Corporation ("MITAC"), which is based in Nagoya, Japan. I joined MITAC in November 2017.

2. I am primarily responsible for supporting our certification work on the Mitsubishi Regional Jet ("MRJ") in the areas of Aircraft Performance and Engine Performance. My work involves working directly with authorities for the Japan Civil Aviation Bureau ("JCAB") to define software certification methodology, authoring technical and certification requirements, and defining how the tools will be integrated into operational use. I have significant experience in aircraft certification related to aircraft performance as described further below.

DECLARATION OF MARIA REGINA PIACESI – 1

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Background

3. After graduating with a degree in Aeronautical Engineering in 1982, I joined Embraer. I worked there for 34 years. While at Embraer, I was an aircraft performance engineer, and I worked on activities related to certifying aircraft. I was in charge of developing the Computerized Aircraft Flight Manual (“CAFM”) for the EMB 120 turboprop aircraft. This was the first CAFM developed by Embraer. In the following years I have participated in other CAFM projects, either as a developer or as a checker and/or Designated Engineering Representative (“DER”).

Aircraft Performance Calculations

4. MITAC is responsible for certifying the MRJ’s aircraft performance. In order to certify aircraft performance, MITAC must first certify the performance calculation methodologies. In general, there are two different, but complementary, sets of methodologies to certify: data reduction and data expansion. Data reduction refers to the aircraft performance calculations used to measure performance of the MRJ during flight testing. Data expansion refers to the methods used to calculate aircraft performance to produce data for the airplane flight manual (discussed more below).

5. Aircraft performance calculations can be developed using basic physics equations that are taught in engineering school. Although performance methods are considered “proprietary information” by aircraft manufacturers, there are many public sources, such as papers, technical publications, courses among others that provide information on aircraft performance methods. Much of this information comes from aircraft manufacturers, certification authorities and universities that present it publicly in conferences, published papers or in specific courses about aircraft performance methods.

Airplane Flight Manual

6. An Airplane Flight Manual (“AFM”) provides aircraft performance information to the pilots. Some of that information includes, for example, takeoff performance information

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1 considering things like weather conditions and runway conditions. This information can allow
2 pilots to determine, among other things, how much runway they need to takeoff safely given
3 current conditions. The AFM uses the certified aircraft performance calculations just discussed
4 to provide the relevant information.
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9 7. More recently, planes are using CAFMs, which are computerized versions of the
10 paper AFMs. At this time, however, MITAC is not developing a CAFM for the MRJ. Instead,
11 at least for now, the MRJ will use an AFM, where performance information will be in the form
12 of paper charts.
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17 8. The aircraft performance calculation methods for the MRJ's AFM were
18 established well before I started working for MITAC. In the course of my work, I had reason to
19 learn that the aircraft performance calculation methods were originally developed by Mitsubishi
20 Heavy Industries engineers. Since I joined MITAC, my team has changed some of the details of
21 the performance methodologies.
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27 9. In working on and developing the MRJ's AFM, and related aircraft performance
28 calculation methodologies, I have never seen or heard anything that would lead me to believe
29 that anyone on my team has used or relied on Bombardier information.
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33 10. I have not reviewed any Bombardier documents related to aircraft performance
34 calculation methodologies used in any Bombardier aircraft. Thus, to my knowledge, I have never
35 seen any of the documents that I understand Bombardier is claiming, in the case it filed against
36 MITAC, contain trade secrets related to Bombardier's CAFM calculation methodology.
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41 11. I have personal knowledge of all the facts stated in this Declaration and, if called
42 to, could and would testify competently thereto.
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DECLARATION OF MARIA REGINA PIACESI – 3

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1 I declare under penalty of perjury that the foregoing is true and correct.
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4 Executed this 25 day of April 2019 at NAGOYA, Japan.
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8 /s/ Maria Regina Piacesi
9 MARIA REGINA PIACESI
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DECLARATION OF MARIA REGINA PIACESI – 4

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that on May 13, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

DATED this 13th day of May, 2019.

s/Jerry A. Riedinger
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